

REMARKS

Claims 24-83 remain pending in the patent application.

I. THE CLAIM TO PRIORITY

The claim to priority is amended in view of the points raised in paragraph 3 of the Office Action.

II. THE DRAWING OBJECTIONS

In paragraphs 5-11 of the Office Action, the drawing are objected to for various informalities.

The drawing and/or the specification have been amended in view of the points raised in paragraphs 5-11.

A formal drawing for Figures 35 and 36 is also submitted.

In view of these amendments, reconsideration and withdrawal of the drawing objection is respectfully requested.

III. THE SPECIFICATION

In paragraphs 12-13 of the Office Action, the specification is objected to for various informalities.

The drawing and/or the specification have been amended in view of the points raised in paragraphs 12-13.

In view of these amendments, reconsideration and withdrawal of the objection to the specification is respectfully requested.

IV. THE DOUBLE PATENTING REJECTION

In paragraphs 15-17, the pending claims are provisionally rejected based on a judicially created double patenting rejection in view of the claims in copending application nos. 10/661,254 (CV-0043), 10/645,686 (CV-0039) and 10/661,031 (CV-0039A).

It is respectfully submitted that copending application no. 10/645,686 is a related case to the instant application that will be prosecuted at a later date. An Office Action was recently mailed for the copending application no. 10/645,686 and applicant is evaluating how to handle this case. Accordingly, it is respectfully submitted that the present application be allowed and any double patenting issues be addressed in the other case. It is respectfully submitted that upon the issuance of a Notice of Allowance and payment of the issue fee, a terminal disclaimer will be filed to overcome these rejections in relation to the other two copending patent applications.

For this reasons, it is respectfully requested that the judicially created double patenting rejection be reconsidered and withdrawn.

V. THE FIRST ANTICIPATION REJECTION - GROT ET AL.

In paragraphs 18-19 of the Office Action, claims 24-27, 35, 45, 48-49, 51, 53, 55-56, 58-59, 61-67, 69-73, 75-80 and 82-83 are rejected as being anticipated by Grot et al.

The main independent claims 24, 65, 71 and 77 are amended to clarify the present invention consistent with that discussed in the aforementioned phone with the Examiner. In view of this, these claims are deemed to be in condition for allowance.

The remaining rejected claims depend directly or indirectly from independent claims 24, 65, 71 or 77, contain all the limitations thereof, and are deemed patentable over Grot et al. for all the reasons discussed above.

VI. THE SECOND ANTICIPATION REJECTION - FRANKEL

In paragraph 20 of the Office Action, claims 24-31, 33, 35-37, 39, 41-45, 47-83 are rejected as being anticipated by Frankel.

In addition to that discussed above, the main independent claims 24, 65, 71 and 77 are also amended to clarify the present invention consistent with that discussed in the aforementioned phone with the Examiner. In view of this, these claims are deemed to be in condition for allowance.

The remaining rejected claims depend directly or indirectly from claims contain all the limitations thereof, and are deemed patentable over Frankel et al. for all the reasons discussed above.

VII. THE REMAINING OBVIOUSNESS REJECTIONS

In paragraphs 21-23 of the Office Action, the remaining claims are rejected as being obvious over Frankel alone or in combination with Yguerabide et al. However, it is respectfully submitted that these claims depend directly or indirectly from claims 24, 65, 71 and 77, contain all the limitations thereof, and are deemed patentable over Frankel et al. for all the reasons discussed above.

VIII. CONCLUSION

Reconsideration and early allowance of the claims is earnestly solicited.

If the Examiner has any questions regarding this Amendment, Applicant's counsel can be reached at 203-626-3331 (direct dial) between the hours of 8:00 a.m. and 6:00 p.m. or by E-mail at gdepardo@cyvera.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William J. Barber', written over a horizontal line.

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May 12, 2005
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